

BEST AVAILABLE COPY**REMARKS**

Claims 1-23 are pending in the application and are rejected. Claims 1, 14, and 23 are amended herein.

Claims 1-22 are finally rejected under 35 U.S.C. § 102(b) as being anticipated by each of U.S. patent nos. 5,792,469 and 5,632,727 and 5,725,591 to Tipton et al., 6,086,905 and 5,703,104 to Peck et al. and applicant's prior patent no. 5,140,986. Claim 23 is rejected under 35 U.S.C. § 102(b) as being anticipated by applicant's prior patent no. 6,670,313.

Claims 1 and 23 and claims dependent thereon relate to methods of inhibiting absorption into a person's skin of contaminant chemicals. The examiner submits that this is no different in scope from the original claim language which recited a method for inhibiting "percutaneous absorption" of a contaminant chemical. As the examiner notes, the definition of "percutaneous" is "Passed, done or effected through the skin." The purpose of the prior amendment was to distinguish between preventing absorption into the skin as opposed to preventing absorption through. This was to help distinguish from the Peck et al. patents, which disclose families of compounds that are intended to reduce systemic absorption of chemicals via skin exposure by the compounds' ability to absorb into the stratum corneum and modify the physical characteristics of the skin lipids so as to reduce the ability of those lipids to absorb the target chemicals from the surface of the skin. In other words in order for the compound system to work it must, itself, be absorbed into the skin so that it can enable the skin to prevent absorption through the skin of the target chemical.

The claims 1 and 23 and further been amended herein to specify that the application of the claim solvent system operates "so that the contaminant chemical is preferentially dissolved in the solvent system and neither solvent system nor the contaminant chemical is absorbed into the person's skin." This clearly distinguishes from the Peck et al. patents.

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Additionally, at the examiner's suggestion, each of the independent claims 1, 14 and 23 has been amended to specify that the recited solvent system is "consisting of" or "consists of" constituents, each of which has a molecular weight of at least 3.50. This is for the purpose of preventing these constituents from entering the skin. This is not true of the Peck et al. compositions. The use of such high molecular weight constituents would be unsuitable for the Peck et al. compositions, which require that they be absorbed into the stratum corneum in order to operate as intended. For all these reasons, it is believed that, as amended, claims 1-23 patentably distinguish from the Peck et al. patents.

The method of claim 14 differs from that of claim 1 in that it relates to the decontamination of a surface which has already been exposed to a contaminant chemical. Nothing in the Peck et al. patents discloses or suggest the use of the Peck et al. composition for the purpose of decontaminating already contaminated surfaces. Thus, for this reason alone, it is believed that claim 14 and the claims dependent thereon patentably distinguish from the Peck et al. patents.

Additionally, each of claims 1-22 requires that the solvent system applied to the person's skin include "at least one solvent in which the contaminant chemical is soluble." The Peck et al. compositions do not operate by dissolving the contaminant chemicals. The design of the Peck et al. compositions is based, not on their ability to dissolve contaminant chemicals, but rather on their ability to modify the physical characteristics of skin lipids. Thus, this affords an additional reason for the patentability of claims 1-22 over the Peck et al. patents.

The Tipton et al. patents disclose a microporous polymeric physical barrier for use primarily as a wound dressing. The only "barrier" properties taught by Tipton et al. are those of a physical barrier to infectious agents, such as microorganisms. The examiner contends that the 3-50 micron pore size disclosed by Tipton et al. would at least in part slow the progress of all chemicals as the diffusion is now limited by movement through small pores. On the contrary, it is submitted that,

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while the application of a microporous barrier may marginally slow chemical diffusion through the porous barrier to the surface of the skin, the microporous polymer barrier also causes partial occlusion of the skin. Occlusion of the skin has been shown to increase hydration and skin temperature resulting in an increase in chemical percutaneous absorption by five-fold or more. Rather than reduce chemical absorption, application of this antimicrobial barrier would likely cause a substantial increase in such absorption. Indeed, it is a purpose of the Tipton et al. structure to permit absorption of biologically active chemicals, such as drugs, into the skin. Accordingly, it is believed that, as amended, claims 1-23 are clearly patentable over the Tipton et al. patents.

Applicants' own '096 patent discloses a number of solvents to remove chemical contamination from the skin, most of which are not high molecular weight solvents. As amended, the claims require a solvent system "consisting of only solvents having a molecular weight of at least 350.

As regards the rejection of new claim 23 on the basis of applicant's '313 patent, it is noted that the subject application and claim 23 had the benefit of the effective filing date of the '313 patent. Thus, that patent is not prior art to claim 23.

For all of the foregoing reasons, it is believed that, as amended, claims 1-23 patentably distinguish from the cited art and should be allowed. It is respectfully requested that applicant's undersigned attorney be advised of the disposition of this amendment prior to the expiration of the three-month statutory response period on September 26, 2006.

Respectfully submitted,

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